IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40145 of 2008

1. BIRENDRA PATEL @ BIRENDRA PD.PATEL,son of late Mathura Patel
2. Harendra Patel, son of late Mathura Patel, both residents of village Garighat, P.S. Mansahi, Dist. Katihar--petitioners

Versus

STATE OF BIHAR----------opp.party

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2. 20.11.2008 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in a police case under Section 307 and other provisions of the Penal Code.

The allegation is of assault on the ladies and minor boy in respect of land dispute between the parties.

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Considering that the petitioner no.1 is said to have assaulted with wooden plank on the head, this Court is not persuaded to grant him bail. His anticipatory bail application is rejected.

Considering the allegation of assault simpliciter with the ladies by petitioner no.2, let him surrender in the court below within a period of four weeks from today, when he shall be enlarged on bail on furnishing bail bonds of rupees ten thousand with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar, in connection with Mansahi

P.S.case no. 45/08 subject to the conditions laid down under Section 438(2) Cr.P.C.

Any application for regular bail on behalf of petitioner no.1 shall be decided primarily on the basis of the nature of the injuries available in the injury report, without being prejudiced merely for reasons of rejection of his anticipatory bail application.

(Navin Sinha,J.)

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